

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

**IN RE: YASMIN AND YAZ
(DROSPIRENONE) MARKETING, SALES
PRACTICES AND PRODUCTS LIABILITY
LITIGATION**

)
) **3:09-md-02100-DRH-PMF**
)
) **MDL No. 2100**
)

This Document Relates to:

<i>Jamie Brown v. Bayer HealthCare Pharmaceuticals, Inc., et al.</i>	No. 3:10-cv-10696-DRH-PMF
<i>Amanda Campbell v. Bayer Corp., et al.</i>	No. 3:10-cv-13554-DRH-PMF
<i>Lindsey Craighead v. Bayer Corp., et al.</i>	No. 3:10-cv-10632-DRH-PMF
<i>Katherine Driscoll v. Bayer Corp., et al.</i>	No. 3:10-cv-13560-DRH-PMF
<i>Linnia Lemmon v. Bayer Corp., et al.</i>	No. 3:10-cv-12691-DRH-PMF
<i>Colleen Olkowski v. Bayer HealthCare Pharmaceuticals, Inc., et al.</i>	No. 3:10-cv-12041-DRH-PMF
<i>Pauline Reed v. Bayer Corp., et al.</i>	No. 3:10-cv-12704-DRH-PMF
<i>Ritishia Tilley v. Bayer Corp., et al.</i>	No. 3:10-cv-12714-DRH-PMF
<i>Lauren Wilson and Clarence Wilson v. Bayer HealthCare Pharmaceuticals, Inc., et al.</i>	No. 3:10-cv-13715-DRH-PMF

BAYER HEALTHCARE PHARMACEUTICALS INC.'S
MOTION TO DISMISS WITH PREJUDICE

This matter is before the Court on Defendant Bayer HealthCare Pharmaceuticals Inc.'s ("Bayer") motion, pursuant to Case Management Order 12 ("CMO 12"), for an Order dismissing plaintiffs' claims in the above-captioned matters with prejudice for failure to comply with their Plaintiff Fact Sheet ("PFS") obligations.

On June 24, 2011, Bayer HealthCare Pharmaceuticals Inc. moved to dismiss the above-captioned matters without prejudice for failure to comply with PFS obligations.¹ The Court granted these motions on July 12, 2011.² More than 60 days since the entry of the order of dismissal without prejudice has passed, and plaintiffs still have not complied with their PFS obligations. Accordingly, pursuant to Section E of CMO 12, Bayer requests that the Court issue an Order converting the dismissal without prejudice to a dismissal with prejudice.

Having considered the motion and the relevant provisions of CMO 12 the Court **ORDERS** as follows:

Plaintiffs in the above captioned actions have failed to comply with their obligations pursuant to CMO 12 and more than 60 days have passed since the entry of the order of dismissal without prejudice for failure to comply with CMO

¹ Brown Doc. 13; Campbell Doc. 7; Craighead Doc. 6; Driscoll Doc. 7; Lemmon Doc. 6; Olkowski Doc. 10; Reed Doc. 6; Tilley Doc. 6; Wilson Doc. 6.

² Brown Doc. 14; Campbell Doc. 8; Craighead Doc. 7; Driscoll Doc. 8; Lemmon Doc. 7; Olkowski Doc. 11; Reed Doc. 7; Tilley Doc. 7; Wilson Doc. 7.

12. Accordingly, pursuant to Section E of CMO 12, **plaintiffs' complaints are hereby dismissed with prejudice.** Further, the Court **directs** the Clerk of the Court to enter judgment reflecting the same. Each party shall bear its own costs.

SO ORDERED

 Digitally signed by
David R. Herndon
Date: 2011.09.23
10:30:46 -05'00'

**Chief Judge
United States District Court**

Date: September 23, 2011